

MEMORANDUM

Agenda Item No. 13(A)(1)


TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: September 7, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution authorizing certain settlement in the amount of \$8,000.00 in County eminent domain proceedings by County Attorney in connection with the acquisition of land referred to as Parcel 28 for the right-of-way needed for improvements along SW 216th Street from the Florida Turnpike to SW 127th Avenue and authorizing the use of Charter County Transportation Surtax Funds

The accompanying resolution was placed on the agenda by the County Attorney's Office.


Abigail Price-Williams
County Attorney

APW/lmp



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: September 7, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 13(A)(1)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 13(A)(1)
9-7-16

RESOLUTION NO. _____

RESOLUTION AUTHORIZING CERTAIN SETTLEMENT IN THE AMOUNT OF \$8,000.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND REFERRED TO AS PARCEL 28 FOR THE RIGHT-OF-WAY NEEDED FOR IMPROVEMENTS TO SW 216TH STREET FROM THE FLORIDA TURNPIKE TO SW 127TH AVENUE AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS

WHEREAS, this Board by Resolution No. R-838-11, dated October 4, 2011 previously declared the acquisition of land for the right-of-way needed for the road widening, beautification, and right-of-way improvements to SW 216th Street from the Florida Turnpike to SW 127th Avenue in Miami-Dade County, Florida, to be a public necessity and authorized the acquisition of land therefor by eminent domain proceedings; and

WHEREAS, the owner of Parcel 28, as set forth in the attached land acquisition summary sheet, has offered to settle for the figures specified therein, subject to approval by the probate court; and

WHEREAS, this project is being funded by the use of Charter County Transportation Surtax Funds, and this settlement thus must be submitted for the review and recommendation of the Citizens Independent Transportation Trust; and

WHEREAS, the County Attorney hereby recommends the settlement amounts and terms as set forth in the attached land acquisition summary sheet,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. This Board ratifies and adopts the matters set forth in the foregoing recitals.

Section 2. This Board authorizes the County Attorney to compromise and settle on behalf of the County all claims against the County in eminent domain proceedings for Parcel 28 on the terms and in the amount specified in the attached land acquisition summary sheet, and authorizes the use of Charter County Transportation Surtax Funds.

The foregoing resolution was offered by Commissioner ,
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of September, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Debra Herman

LAND ACQUISITION SUMMARY SHEET

PROJECT LOCATION: Roadway expansion, beautification, and right-of way improvements to SW 216th Street from the Florida Turnpike to SW 127th Avenue in Miami-Dade County, Florida

PARCEL NUMBER AND PROPERTY ACQUIRED: Parcel No. 28 – see attached sketch (land plus improvements)

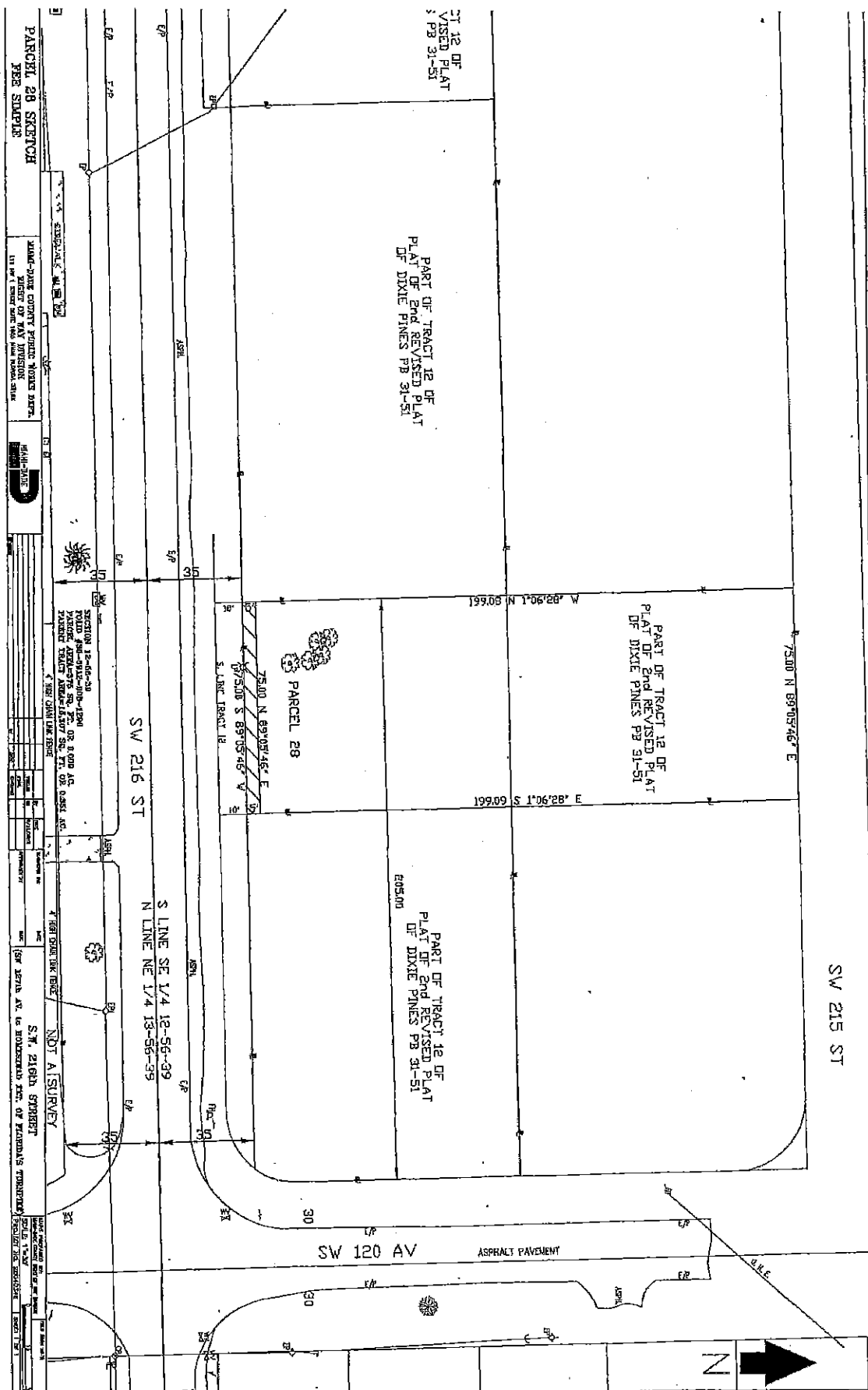
OWNERSHIP INTEREST: The Estate of John Z. Brown,
John S. Brown as personal representative
This item requires approval of the probate court

COUNTY'S APPRAISAL AND DAMAGES: \$2,750.00 (fee simple land and improvements)
Pat Mikus/Carlos Marin

ATTORNEYS' FEES AND COSTS See Comments

SETTLEMENT AMOUNT: The total settlement amount is \$8,000.00.
(See Comments below – this amount also includes the owner's attorneys' fees and expert fees for Parcel 28, including obtaining approval of the probate court required because the owner is the Estate of John Z. Brown).

COMMENTS: A proposed settlement was reached in the amount stated above. In order for the County to obtain clear title to this parcel, eminent domain proceedings had to be instituted. The settlement amount of \$8,000.00 represents full compensation for this parcel, and includes \$2,750.00 for the property acquired, and \$5,250.00 for the owner's statutory attorneys' fees, expert fees and costs, including but not limited to fees required to obtain approval of the probate court. Staff has confirmed that this project is listed in Exhibit 1 of the PTP Ordinance under Major Roadway and Neighborhood Improvement Projects. The landowner is represented by the law firms of Michael G. Bass, P.A. (probate attorney) and the Law Offices of Jeff P. Cynamon (eminent domain attorney).





Memorandum



To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Charles Scurr, Executive Director

Date: July 14, 2016

Re: CITT AGENDA ITEM 5C:

RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING THAT THE BOARD OF COUNTY COMMISSIONERS (BCC), AUTHORIZE CERTAIN SETTLEMENT IN THE AMOUNT OF \$8,000.00 IN COUNTY EMINENT DOMAIN PROCEEDINGS BY COUNTY ATTORNEY IN CONNECTION WITH THE ACQUISITION OF LAND REFERRED TO AS PARCEL 28 FOR THE RIGHT-OF-WAY NEEDED FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED ROADWAY IMPROVEMENTS TO SW 216 STREET, FROM THE FLORIDA TURNPIKE TO SW 127 AVENUE; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (CAO/DTPW – BCC Legislative File No. 161750)

On July 14, 2016, the CITT voted (9-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 16-042. The vote was as follows:

Paul J. Schwiep, Esq., Chairperson – Aye
Hon. Anna E. Ward, Ph.D., 1st Vice Chairperson – Aye
Glenn J. Downing, CFP®, 2nd Vice Chairperson – Aye

Oscar Braynon – Absent
Peter L. Forrest – Aye
Prakash Kumar – Aye
Alicia Menardy, Esq. – Aye
Hon. James A. Reeder – Absent
Hon. Linda Zilber – Absent

Joseph Curbelo – Aye
Alfred J. Holzman – Aye
Jonathan Martinez – Absent
Miles E. Moss, P.E. – Absent
Marilyn Smith – Aye

cc: Alina Hudak, Deputy Mayor
Bruce Libhaber, Assistant County Attorney